

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 14-00117-01-CR-W-DW
)
JAMES T. SMITH,)
)
Defendant.)

ORDER

Before the Court is the Report and Recommendation (Doc. 97) submitted by Magistrate Judge Sarah W. Hays regarding the following three documents filed by Defendant:

1. Notice and Demand for Dismissal of Indictment Any and All “Charges” re Above Case Number (Doc. 87);
2. Affidavit of Specific Negative Averment (Doc. 88); and
3. Judicial Notice Pursuant to Criminal Rules of Evidence 18 USC Rule 201 (Doc. 89).

Defendant has filed an Objection (Doc. 108) to the Report and Recommendation.

After an independent review of the record and the applicable law, the Court accepts the recommendation and adopts the Magistrate Judge’s findings of fact and conclusions of law.

Accordingly, IT IS ORDERED that:

1. The Report and Recommendation (Doc. 97) shall be attached to and made a part of this Order;
2. All of the relief requested in the Notice and Demand for Dismissal of Indictment Any and All “Charges” re Above Case Number (Doc. 87) is DENIED;

3. All of the relief requested and/or demands made in the Affidavit of Specific Negative Averment (Doc. 88) are DENIED;
4. All of the relief requested and/or demands made in the Judicial Notice Pursuant to Criminal Rules of Evidence 18 USC Rule 201 (Doc. 89) are DENIED.

SO ORDERED.

Date: November 10, 2014

/s/ Dean Whipple
Dean Whipple
United States District Judge